

Hearing Date: September 14, 2022 at 10:00 a.m. (ET)

Objection Deadline: June 17, 2022

Reply Deadline: July 29, 2022

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166

Tel.: (212) 351-4000

Marshall R. King

Matthew K. Kelsey

Gabriel Herrmann

Attorneys for the UBS Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS AG, UBS EUROPE SE (f/k/a UBS
(LUXEMBOURG) SA), UBS FUND SERVICES
(LUXEMBOURG) SA, UBS THIRD PARTY
MANAGEMENT COMPANY SA, ACCESS
INTERNATIONAL ADVISORS LLC, ACCESS
INTERNATIONAL ADVISORS LTD., ACCESS
MANAGEMENT LUXEMBOURG SA (f/k/a
ACCESS INTERNATIONAL ADVISORS
(LUXEMBOURG) SA) as represented by its
Liquidator MAÎTRE FERNAND ENTRINGER,
ACCESS PARTNERS SA as represented by its

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Proc. No. 10-04285 (CGM)

ORAL ARGUMENT REQUESTED

Liquidator MAÎTRE FERNAND ENTRINGER, PATRICK LITTAYE, CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) in her capacity as Executrix under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) individually as the sole beneficiary under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), PIERRE DELANDMETER, THEODORE DUMBAULD, LUXALPHA SICAV as represented by its Liquidators MAÎTRE ALAIN RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN RUKAVINA AND PAUL LAPLUME, in their capacities as liquidators and representatives of LUXALPHA, GROUPEMENT FINANCIER LTD.,

Defendants.

**NOTICE OF UBS DEFENDANTS' MOTION
TO DISMISS SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law of Defendants UBS AG, UBS Europe SE (f/k/a UBS (Luxembourg) S.A.) ("**UBS Lux**" or "**UBS SA**"), UBS Fund Services (Luxembourg) S.A. ("**UBSFSL**"), and UBS Third Party Management Company S.A. ("**UBSTPM**") (collectively, "**UBS**" or the "**UBS Defendants**") in Support of the UBS Defendants' Motion to Dismiss the Second Amended Complaint; the accompanying Declaration of Gabriel Herrmann, and the exhibits thereto; the Second Amended Complaint filed in the above-captioned adversary proceeding on February 28, 2022 at ECF No. 274 (the "**Second Amended Complaint**") by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC ("**BLMIS**") and the chapter 7 Estate of Bernard L. Madoff (the "**Trustee**"); and all prior pleadings and proceedings herein, the UBS Defendants will move this Court on September 14, 2022 at 10:00 a.m. (Eastern Time), or as soon thereafter as counsel

may be heard, for an order dismissing the Second Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on January 20, 2022 at ECF No. 272, the Trustee shall file any papers in opposition to this motion on or before June 17, 2022, and the UBS Defendants shall file any reply papers in further support of this motion on or before July 29, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the UBS Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: April 22, 2022
New York, New York

Respectfully Submitted,

GIBSON, DUNN & CRUTCHER LLP

/s/ Marshall R. King

Marshall R. King
Matthew K. Kelsey
Gabriel Herrmann

200 Park Avenue
New York, New York 10166
Tel.: (212) 351-4000
mking@gibsondunn.com
mkelsey@gibsondunn.com
gherrmann@gibsondunn.com

Attorneys for the UBS Defendants